

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health and Addiction Services v.

Patricia Louder, L.P.N.

Licensed Practical Nurse License No. 023556

104 B Stoneridge Road

Bridgeport CT 06606

CASE PETITION NO. 940810-11-038

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated September 2, 1994. (Department Exhibit 1) The Statement of Charges alleged, in two (2) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Patricia Louder (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On September 8, 1994, the Board ordered, pursuant to its authority under §19a-17 of the General Statutes of Connecticut, that the licensed practical nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. (Department Exhibit 1)

The Board issued a Notice of Hearing dated September 8, 1994 scheduling a hearing for September 21, 1994. The hearing took place on September 21, 1994 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

At the conclusion of the hearing the Board ordered that the Summary Suspension of the Respondent's licensed practical nurse license be vacated. (Hearing Transcript, September 21, 1994, p. 85)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and his/her specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Patricia Louder, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 023556 on June 1, 1990 and was at all times referred to in the Statement of Charges the holder of said license. (Department Exhibit 1-C)
2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, September 21, 1994, p. 2)
3. During the hearing the Respondent submitted a written Answer to the Statement of Charges. (Respondent's Exhibit A-A)
4. That pursuant to a Consent Order dated April 15, 1993 the licensed practical nurse license of the Respondent was placed on probation for a period of four (4) years effective May 1, 1993 for diverting the controlled substance Demerol and falsifying controlled substance records, while the Respondent was working as a licensed practical nurse from on or about May 1992 through on or about September 1992. (Department Exhibit 1-E)

5. That the probation of the Respondent's registered nurse license included the conditions that the Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate medical purpose by a licensed health care practitioner and that the Respondent submit to random urine and/or blood screening for alcohol and drugs the results of which are to be negative for alcohol and drugs. (Department Exhibit 1-E)
6. That on May 27, 1994 the Respondent submitted a chain of custody urine specimen which was confirmed positive for the presence of Benzodiazepine Metabolites. (Department Exhibit 1-B)
7. That on June 8, 1994 the Respondent submitted a urine specimen which tested positive for the presence of Morphine. (Department Exhibits 1-B)
8. That the laboratory report for the June 8, 1994 urine specimen does not specifically indicate whether chain of custody was followed in the handling of the specimen. (Department Exhibit 1-B)
9. That the Respondent had no valid prescription for benzodiazepines or opiates in May and June 1994. (Answer: Respondent's Exhibit A-A)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Patricia Louder held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT of the Statement of Charges alleges that on or about May 27, 1994 the Respondent submitted to a urinalysis which tested positive for benzodiazepines and that on or about June 8, 1994 the Respondent submitted to a urinalysis which tested positive for opiates.

The Respondent neither admits or denies these charges. (Answer: Respondent's Exhibit A-A)

Based on its findings, the Board concludes that the Respondent's May 27, 1994 urinalysis was positive for benzodiazepines but there was insufficient evidence to prove that the Respondent's June 8, 1994 urinalysis was positive for opiates.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on FACTS 6 and 9, that the Respondent had a urine drug screen which was positive for the presence of benzodiazepines and that the Respondent did not have a valid prescription for said substance, the Board concludes the Respondent abused benzodiazepines, and therefore, violated the General Statutes of Connecticut §20-99(b)(5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that the Respondent violated the terms of her probation as set forth in the Consent Order dated April 15, 1993 by submitting to urine screening, the results of which were positive.

The Respondent neither admits or denies this charge. (Answer: Respondent's Exhibit A-A)

Based on its findings the Board concludes that the Respondent, by submitting to a urinalysis which tested positive for benzodiazepines, violated the terms of her probation as set forth in the Consent Order dated April 15, 1993. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count and the Second Count, the three year probation of the Respondent's license practical nurse license, No. 023556, as set forth in a Consent Order dated April 15, 1993, is extended until September 21, 1997.
2. The conditions of probation as set forth in the Consent Order dated April 15, 1993 are void on the effective date of this Memorandum of Decision and the following conditions of probation shall take effect. If any of the following conditions are not met, the Respondent's licensed practical nurse license may be immediately revoked.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s) within (30) days as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment at any time during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

- C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health Care agency and shall not be self-employed as a nurse during the period of her probation.
- D. The Respondent shall cause employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall be submitted to the Board monthly until September 1, 1996 and bi-monthly thereafter, commencing on November 1, 1996.
- E. The employer reports cited in paragraph D above, shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address listed to paragraph N below.
- F. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date, as to receipt of a copy of this Memorandum of Decision.
- G. The Respondent shall cause monthly reports to be submitted to the Board by her therapist until September 1, 1996 and bi-monthly thereafter, commencing on November 1, 1996.
- H. The therapist reports cited in paragraph G above, shall include documentation of dates of treatment, an evaluation of the Respondent's progress including alcohol and drug free status, and the Respondent's ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in paragraph N below.

- I. The Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist and/or personal physician. Said screens shall be legally defensible in that the specimen donor and chain of custody must be identified throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must be at least one random alcohol/drug screen monthly until September 1, 1996 and bi-monthly thereafter until the conclusion of the probationary period. Reports of said random alcohol/drug screens are due monthly, commencing January 1, 1995 and bi-monthly commencing November 1, 1996.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Laboratory reports must indicate that the chain or custody procedure has been followed.

Reports of random alcohol and drug screens shall be submitted directly to the Board at the address cited in paragraph N below, by the Respondent's therapist or personal physician or the testing laboratory.

- J. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications.
- K. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substances containing poppy seeds should be avoided during the probationary period.

In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.

- L. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- N. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

- 3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to her address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
- 4. This Memorandum of Decision becomes effective on the date it is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Patricia Louder and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 30th day of November, 1994.

BOARD OF EXAMINERS FOR NURSING

By

Jenica Thibodeau

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